

VERMONT TELECOMMUNICATIONS EQUIPMENT DISTRIBUTION PROGRAM PROGRAM STANDARDS

A. *Scope and authority*

The Vermont Telecommunications Equipment Distribution Program (VT-EDP) was established by the 1998 Vermont General Assembly through the enactment of Act 135 and amended by Act 67 of the 2000 legislative session. The purpose of the program is to provide for the distribution and repair of telecommunications equipment to enable deaf, deaf-blind, hard-of-hearing or speech impaired persons to communicate by telephone. Eligibility is based upon proof of disability and income guidelines established in statute and in these guidelines. The maximum annual program expenditure is \$75,000 including both benefits and administrative costs. The following guidelines apply to program administration.

B. *Program administration*

The Vermont Department of Public Service (DPS) shall issue a request for proposal seeking competitive bids from qualified vendors to administer the program application process and the distribution of benefits. The department shall file its recommendations and any proposed contract with the Public Service Board (PSB) for review and approval. The contract shall not exceed four years.

The contracted vendor shall carry out the following responsibilities:

- (1) Develop and disseminate promotional materials and application packages to agencies serving persons with disabilities and to individuals with disabilities.
- (2) Develop a contact list of known equipment dealers and repair vendors and add dealers and repair vendors to the list upon request.
- (3) Receive and screen applications.
- (4) Issue checks to equipment dealers for the purchase of equipment by the program on behalf of eligible applicants.
- (5) Refer disputes and appeals to the Commissioner of the Department of Aging and Disabilities for resolution.
- (6) Maintain financial records and financial accountability for the program.
- (7) Maintain an inventory of distributed equipment and conduct spot audits to assess levels of compliance with program guidelines.
- (8) Maintain statistical and management information to assist in evaluating the program's effectiveness.
- (9) Redistribute used equipment returned to the program and collaborate with existing

equipment recycling programs.

The DPS shall carry out the following responsibilities:

- (1) Conduct competitive bidding to secure a contract with a qualified vendor.
- (2) Obtain PSB approval for the contract.
- (3) Serve as contract manager.
- (4) Evaluate the program annually.
- (5) Report to the legislature.

C. ***Eligibility***

An applicant shall be eligible for benefits who meets the following criteria:

- (1) A licensed physician, speech-language pathologist, audiologist as defined in 26 V.S.A. §3281 (1), Individualized Educational Plan or state agency certifies that the applicant is deaf, deaf-blind, hard-of-hearing, or speech impaired and the applicant requires an adaptive telecommunications device in order to be able to use the publicly switched telephone network or the applicant has a physical disability that limits his or her ability to use standard telephone equipment.
- (2) The applicant (or the applicant's parent or adult guardian, if the applicant is a minor) provides proof that his or her modified adjusted gross income as defined in section of 32 VSA 5829(b)(1) for the preceding taxable year was less than 200 percent of the official poverty line established by the federal Department of Health and Human Services for a family of two or the actual number in the family, whichever is greater, published as of October first of the previous taxable year. This proof may be established by any one of the following means:
 - a. Submission of a copy of form HI-144 (Household Income, Schedule A) from the Vermont Income Tax Return for the most recently completed calendar year showing modified adjusted gross income which meets the statutory income threshold.
 - b. Submission of a telephone bill showing the applicant is currently receiving a Lifeline telephone credit.
 - c. Submission of a copy of a benefit letter from the Department of Social Welfare indicating the applicant is receiving Aid to Needy Families with Children, Fuel

Assistance, Medicaid (excluding those households where the only Medicaid enrollment is in Medicaid program for which the maximum eligible income level is greater than 200 percent of the official poverty line), or Food Stamps.

- d. Submission of a copy of a benefit letter indicating the applicant is receiving Supplemental Security Income.
- (3) The applicant shall be a Vermont resident as defined in 32 V.S.A. 5811(11)(A).
 - (4) Neither the applicant, nor any person in the applicant's household, shall have received benefits from the program during the four calendar years preceding the date on which the application was made, except that:
 - a. A person who has acquired equipment through the program and that equipment subsequently needs repair for reasons other than intentional misuse or abuse may reapply at any time for a repair benefit only.
 - b. A person who lives in the same household as a person who has received benefits from the program, and whose disability requires different adaptive equipment than the recipient shall be eligible to apply as if that person did not reside with a recipient.
 - (5) The applicant shall submit a completed and signed application.
 - (6) An applicant who meets the above eligibility criteria, except that the applicant's modified adjusted gross income as defined in section of 32 VSA 5829(b)(1) for the preceding taxable year was less than 200 percent of the official poverty line established by the federal Department of Health and Human Services for a family of six, but the applicant's family had fewer than six members, shall be eligible for benefits if funds are not exhausted on June 15 of each fiscal year and no applicants remain on the waiting list who fully meet the criteria in paragraph (2).

D. *Provision of benefits*

Eligible applicants shall be granted program participation on a first-come, first-served basis limited by the availability of program funds. Applicants who are eligible but do not receive benefits because allocated funds have been exhausted for the year must reapply in order to be eligible for future years' funding.

Benefits shall be provided in the following manner:

- (1) If the applicant is seeking to acquire eligible equipment, he or she shall select equipment and obtain either (a) a formal, written price quotation from an equipment dealer, or (b) an entry from a current, dated price catalogue from an equipment dealer. If the applicant is seeking to obtain repairs of previously acquired equipment, he or she shall obtain a written estimate of the cost of repair. No benefit shall be provided for repairs that are covered under warrantee.
- (2) Applicant shall complete a program application, income verification and proof of disability, and submits the application package to the VT-EDP. Applications must be submitted after February 1 of the calendar year in which benefits are sought.
- (3) VT-EDP shall evaluate the application, determine eligibility and inform applicants of the determination and rights to waiver and/or appeal. Eligible applications shall be assigned a number indicating the order in which they were received.
- (4) In the case of equipment purchase, VT-EDP shall issue checks made out to the equipment dealers selected by each applicant, in the order applications were received, in an amount equal to the cost of the equipment (including tax and shipping) or \$750, whichever is less. VT-EDP shall transmit payment directly to the equipment dealer, who shall ship the equipment to the applicant, and provide a delivery receipt to VT-EDP. In the case of equipment repair, VT-EDP shall issue checks made out to the repair vendor upon completion of the repair.
- (5) Benefits shall be issued in this manner until 90 percent of benefit funds for the year are exhausted. Eligible applicants who do not receive benefits because 90 percent of benefit funds are exhausted shall be placed on a temporary waiting list. The reserved funds shall be maintained to fund applicants who are granted waivers and/or appeals under Section E of these guidelines. On June 15 of each year, any funds remaining in the 10 percent reserve shall be awarded to applicants on the waiting list. Those applicants on the waiting list who do not receive benefits shall be notified by VT-EDP of the procedure for reapplying in the following fiscal year. Applicants who do not receive benefits because benefit funds are exhausted shall be notified of the opportunity to apply in the following year by submitting their application between July 1 and August 1, giving them priority status over new applications which will not be accepted until August 1.

E. ***Rights to waiver and appeal***

- (1) Applicants may seek waiver or appeal a denial of benefits by filing a letter, as outlined in this section, with VT-EDP, which shall forward these letters to the Commissioner of the Department of Aging and Disabilities (“the Commissioner”) for review:
 - (a) Letters appealing a denial of benefits shall indicate the reasons why the applicant believes he or she met the program eligibility criteria at the time of the original application. The Commissioner may grant the requested relief if, in his or her judgment, the applicant met the program eligibility criteria at the time of the original application, and was denied in error.
 - (b) Letters requesting a waiver of the four-year reapplication waiting period [Section C(4)] shall state what special circumstances warrant a waiver of the waiting period. The Commissioner may grant the waiver if no other funds exist to meet the applicant’s need and, in the Commissioner’s judgment any one of the following circumstances apply:
 - (i) lack of the equipment would force the applicant into an institution or more dependent living situation;
 - (ii) the safety of the applicant or a family member is at risk without the equipment;
 - (iii) equipment acquired through the program previously was destroyed by weather, fire or natural disaster, and the equipment was not covered by homeowners or renters insurance; or
 - (iv) the applicant’s disability has progressed to a degree that requires different equipment than was originally provided.
 - (c) Letters requesting a waiver of the \$750 limit on the maximum benefit amount [Section D (4)] shall state what special circumstances warrant the waiver of the benefit ceiling. The Commissioner may grant the waiver if no other funds exist to meet the applicant’s need and, in the Commissioner’s judgment the applicant’s disability requires equipment to connect to the publicly switched network which cannot be purchased within the \$750 limit.
- (2) If the Commissioner grants a waiver or the relief requested in an appeal of denial, the application shall be funded from regular benefit funds if funds are available. If regular benefit funds are not available, the application shall be funded from the 10 percent

reserve [Section D (5)]. If regular and reserve funds are exhausted, the application shall receive priority status for funding in the subsequent year without the necessity for reapplication. Appeals and waivers granted in a calendar year following the exhaustion of that year's funds shall be given priority for the subsequent year in the order in which the applications were originally received by VT-EDP.

F. ***Eligible equipment***

The following types of equipment are eligible for funding through the program if they are necessary for the recipient to connect to the publicly switched telephone network:

- (1) TTYs.
- (2) Large visual display TTYs.
- (3) Braille TTYs.
- (4) Amplification devices for use with telecommunications equipment.
- (5) Ring signal devices.
- (6) Voice carry over telephones.
- (7) Hearing carry over telephones.
- (8) Personal computers if purchased with text telephone software.
- (9) Text telephone software for a personal computer.
- (10) Other adaptive equipment which may be required for an eligible person to utilize the publicly switched telephone network.

Nothing shall preclude an applicant from purchasing a used personal computer provided that a formal written price quotation reflecting a price which is consistent with the prevailing price of similar used equipment is submitted and the applicant provides proof of purchase of text telephone software or proof that the computer is equipped with text telephone software.

G. ***Ownership of equipment***

The State of Vermont shall retain ownership of equipment purchased through the VT-EDP where such equipment is purchased with program funds in excess of 90 percent of the purchase price including tax and shipping. Equipment shall be regarded as a permanent loan to program applicants, except that applicants shall return equipment purchased through the program to VT-EDP upon ceasing Vermont residency. Repair of equipment acquired through the program and subsequently damaged shall be the responsibility of the applicant, not of the State of Vermont. Equipment returned to the program upon change of residence shall be distributed according to the following priorities:

- (1) To applicants who were eligible for program participation but for whom there was insufficient funding to provide them with benefits. In such case, applicants shall be provided with the choice of accepting returned equipment or reapplying in a subsequent year.
- (2) Not-for-profit organizations of the following type: organizations serving persons with disabilities, nursing homes, hospices and libraries which have applied to VT-EDP to receive used equipment on a first-come, first-served basis.

Equipment purchases in which the applicant provides 10 percent or more of the purchase price from other sources of funding shall be the sole property of the applicant.

Notwithstanding the provisions of Section D, no applicant shall be considered eligible who has previously received benefits and has:

- (1) Ceased residency in the state and failed to return equipment acquired through the program.
- (2) Obtained equipment by providing inaccurate or fraudulent information on an application.
- (3) Damaged equipment acquired through the program through intentional abuse or misuse.
- (4) Lost equipment through negligence or sale to a third party.
- (5) Lost equipment due to theft in which the applicant failed to make a police report or otherwise cooperate with a police investigation.

H. *Advisory Committee*

The Department of Public Service shall establish an advisory committee of not less than four and not more than eight members to advise it in the management of the VT-EDP contract. Members shall serve without compensation for terms of two years. Members shall include at least the following: a representative of the Department of Aging and Disabilities; a representative of hard-of-hearing consumers; a representative of deaf consumers; a telecommunications industry representative.